

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID VOZICK and JAMES JOHNSON

Appeal No. 2004-1097
Application No. 09/924,831

ON BRIEF

Before KRASS, GROSS, and BLANKENSHIP, *Administrative Patent Judges*.
GROSS, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 through 18, which are all of the claims pending in this application.

Appellants' invention relates to an apparatus for hands-free command and control of a dental imaging system. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. An apparatus for hands-free command and control of a dental imaging system having a display monitor, a microphone and a storage device storing a plurality of dental images corresponding to a selected dental patient, comprising:

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a speech recognition unit which converts to electronic speech data a voice command received through the microphone to select one of the plurality of dental images for viewing; and

a command and control processor for the electronic speech data received from said speech recognition unit, wherein said command and control processor causes the selected dental image to be retrieved from the storage device and then displayed on the display monitor.

The prior art reference of record relied upon by the examiner in rejecting the appealed claims is:

Dewaele	6,047,257	Apr. 04, 2000
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Claims 1 through 18 stand rejected under 35 U.S.C. § 103 as being unpatentable over Dewaele.

Reference is made to the Examiner's Answer (Paper No. 16, mailed November 4, 2003) for the examiner's complete reasoning in support of the rejection, and to appellants' Brief (Paper No. 15, filed August 13, 2003) for appellants' arguments thereagainst.

OPINION

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by appellants and the examiner. As a consequence of our review, we will reverse the obviousness rejection of claims 1 through 18.

The examiner asserts (Answer, page 4) that the only difference between Dewaele and appellants' claims is that Dewaele

is not specifically directed to dental images. The examiner, however, essentially contends that it would have been obvious to extend Dewaele's medical imaging method and apparatus to the field of dentistry for the same benefits.

Appellants argue (Brief, page 10) that the examiner "did not properly analyze the differences between the Dewaele reference and the claimed invention." Appellants contend that the examiner did not take into consideration the problem solved by appellants nor "other pertinent differences." More specifically, appellants assert (Brief, pages 11-13) that Dewaele is not concerned with "the risk of infection to a dental patient caused by manual operation of computer input devices of a dental imaging system while attending to the patient" (Brief, page 11). Dewaele instead "is concerned with speed and accuracy of entry of identification data which is to be associated with a medical image" (Brief, page 13). Further, appellants point out (Brief, pages 14-18) that Dewaele uses speech recognition and voice command processing for providing identification information to be associated with an image rather than for selecting, retrieving for display, and manipulating an image.

We agree with appellants that Dewaele fails to teach using speech recognition and voice command processing for selecting and

retrieving an image for display.¹ Dewaele clearly discloses (column 3, lines 54-67, and column 7, lines 46-49) an identification station which includes a speech recognition subassembly for providing input data via speech. Dewaele further teaches (column 9, lines 16-29) that a medical image is taken and stored on a cassette which is then transferred to the identification station. At the identification station, the operator utters identification information, i.e., the operator's name, the patient's name, the type of examination represented by the image, the layout parameters as to how the image will be processed and displayed (such as the patient's position, the cassette's position, and the exposure class), and the place where the image is to be printed or viewed (see column 9, line 39-column 11, line 38). Once the information is converted by the speech recognition unit and stored with the image on the cassette, the cassette is removed from the identification station and entered into a read out apparatus where the image is processed according to the stored processing parameters (see column 11, lines 39-45). Nowhere does the operator use a voice command "to select one of the plurality of dental images for

¹ We note that we find nothing in the claim that requires manipulation of the image by voice commands.

viewing," as recited in each of independent claims 1, 15, and 17. The operator in Dewaele merely identifies and labels the medical images, all of which are to be viewed later in another location.

The examiner, in responding to appellants' arguments, asserts that Dewaele "does retrieve and use images stored in diagnosing or analyzing patient data (Col.5, line 44-Col.6, line 6), and transcribing it. Dewaele identifies medical images through speech recognition by accessing them when needed from a storage database, identifiable using the patient's particulars." However, the portion relied upon by the examiner merely states that voice processing is useful for identification in a radiology department of a hospital. Dewaele specifies at the top of column 6 that the voice processing is for inputting examination type, image destination type, patient's birthday, sex, and index, image layout parameters, and the number of hardcopies requested. Dewaele further states (column 6, lines 43-46) that data identifying a medical image are input to an identification station and then transferred to the memory on the cassette where the image is stored. Nowhere does Dewaele teach or suggest that the voice commands inputting identifying information select an image for display. Consequently, we cannot sustain the


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obviousness rejection of claims 1, 15, and 17 nor of their
dependents, claims 2 through 14, 16, and 18.

CONCLUSION


The decision of the examiner rejecting claims 1 through 18
under 35 U.S.C. § 103 is reversed.

REVERSED


ERROL A. KRASS)
Administrative Patent Judge)


ANITA PELLMAN GROSS)
Administrative Patent Judge)

BOARD OF PATENT
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HOWARD B. BLANKENSHIP)
Administrative Patent Judge)

APG/vsh

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